

REMARKS

This responds to the Final Office Action dated December 20, 2011.

No claims are amended, claims 1-26, 30, 36-37, 41-43, 46-53, 56 and 68 were previously canceled; as a result, claims 27-29, 31-35, 38-40, 44-45, 54-55, 57-67 and 69-72 are now pending in this application.

The Rejection of Claims Under § 103

Claims 27-29, 31-35, 38-40, 44, 45, 54, 55, 57-65, and 69 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Carlin et al. (US Patent No. 6,119,152, hereinafter “Carlin”), in view of “Domain Names - Concepts and Facilities” (RFC 1034), Fisher et al. (US Patent No. 5,835,896, hereinafter “Fisher”), and Ng et al. (US Patent No. 6,609,133, hereinafter “Ng”).

Applicants respectfully submit that the rejection of claims 27-29, 31-35, 38-40, 44, 45, 54, 55, 57-65, and 69 is defective for the reason that the Final Office Action fails to make a *prima facie* showing of obviousness as is required under 35 U.S.C. § 103.

Applicable Law

In rejecting claims under 35 U.S.C. § 103, the Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. *See M.P.E.P. § 2142*. Further, “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness”¹

Argument

Applicants believe that the issue of patentability over Carlin in combination with RFC 1034 in combination with Fisher in combination with Ng is best understood with regard to the limitations of claim 27.

Claim 27 includes the following limitations:

¹ *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), cited with approval in *KSR v Teleflex*, 127 S. Ct. 1727, 1740-41 (2007), 82 USPQ2d at 1396 (quoting Federal Circuit statement with approval).

a central database system that stores the listing,

the sales server further comprising:

an object model representation of the central database system that is stored in memory; and

a publisher subsystem to scan the central database system to identify records in the central database system that have changed, the publisher subsystem to modify a representation of the central database system in memory based on the records in the central database system identified as changed.

Although the Final Office Action relies upon the following material from Ng, Applicants note that Ng fails to describe “[a] publisher subsystem to modify a representation of the central database system in memory based on the records in the central database system identified as changed.”

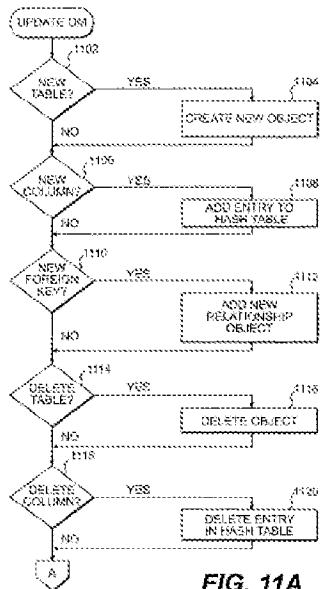


FIG. 11A

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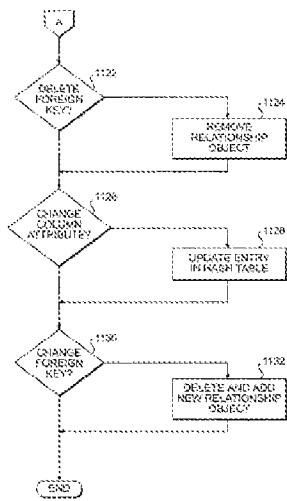
FIGS. 11A and 11B depict a flowchart of the states performed by the object-relational mapping tool when updating the object model. At this point, the object-relational mapping tool has isolated the changes made to the schema by the database administrator and now needs to update the object model so that the new source code, reflecting both the schema changes and the programmer's customizations, can be generated from the object model. The first state performed by the object-relational mapping tool is to determine if the changes include the addition of a new table (state 1102). In this case, the object-relational mapping tool creates a new object in the object model to represent that table (state 1104). If not, the object-relational mapping tool determines if a new column has been added (state 1106). If a new column has been added, the object-relational mapping tool adds an entry to the hash table representative of that column (state 1108). If not, the object-relational mapping tool determines if a new foreign key has been added to any of the tables (state 1110). If a new foreign key has been added, the object-relational mapping tool adds to the list of relationship objects a new relationship object indicating the new foreign key (state 1112).

If no new foreign key has been added, the object-relational mapping tool determines if a table has been deleted (state 1114). If a table has been deleted, the object-relational mapping tool deletes the corresponding object in the object model (state 1116). If not, the object-relational mapping tool determines if a column has been deleted (state 1118), and if so, the object-relational mapping tool deletes the corresponding entry in the hash table (state 1120).³

² Ng, FIG. 11A.

³ Id., col. 8, lines 29-67.

The above material from Ng relates to an object relational mapping tool that updates an object model based on changes made to a database schema. The changes to the database may include an addition of a new table, an addition of a new column, an addition of a new foreign key, a deletion of a table and a deletion of a column.



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If, however, a column has not been deleted, the object-relational mapping tool determines if a foreign key has been deleted (state 1122 in FIG. 11B). If a foreign key has been deleted, the object-relational mapping tool removes from the list the relationship object that designates the foreign key relationship (state 1124). If a foreign key has not been deleted, the object-relational mapping tool determines if a change to a column attribute has been made (state 1126). If a change to a column attribute has been made, the object-relational mapping tool updates the appropriate entry in the hash table (state 1128). Next, the object-relational mapping tool determines if there has been a change made to a foreign key (state 1130). If so, the object-relational mapping tool deletes the corresponding relationship object and adds a new relationship object indicating the updated foreign key (state 1132).⁴

The above material from Ng further relates to additional changes made to a database schema. The additional changes include a deletion of a foreign key, a change to a column attribute, and a change made to a foreign key.

Claim 27 recites, “[a] publisher subsystem to modify a representation of the central database system in memory based on the records in the central database system identified as changed...” In contrast, the above quoted material from Ng relates to an object relational mapping tool that updates an object model based on changes made to a database schema. Specifically, “changes made to a database schema,” as related by Ng, fails to teach or suggest “records in the central database system identified as changed...,” as recited by claim 27. That is, the above material from Ng merely relates to changes to the table as a whole and changes to

⁴ Id., FIG. 11B.

⁵ Id., col. 9, lines 1-7.

columns within the table. To be sure, FIG.11A and FIG.11B relate to changes to the entire table, columns, a foreign key (e.g., a specialized column),⁶ and a column attribute none of which may be said to teach or suggest changes to “*records in the central database system identified as changed,*” as recited by claim 27. Ng therefore cannot be said to teach or suggest the above quoted limitation because Ng relates to changes made to a database schema and claim 27 recites, “[a] publisher subsystem to modify a representation of the central database system in memory based on the records in the central database system identified as changed...” These are distinguishable actions.

The above remarks are also applicable to independent claims 35 and 38.

In addition, if an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claims 28-29, 31-34, 39-40, 44, 45, 54, 55, 57-65, and 69 under 35 U.S.C. § 103 is also addressed by the above remarks.

Carlin

Carlin generally relates to a multi-provider on-line service for remotely-located service providers.⁷ “The multi-provider on-line system may be uniquely configured by a plurality of service providers, such that each service provider can offer its own subset of features to its subscribers and customize the appearance of the user interface.” Carlin also fails to teach or suggest the above quoted elements of claim 27 that are missing from Ng. Indeed, the Final Office Action states, Carlin... fail[s] to explicitly teach the publisher subsystem storing an object model representation of the central database system...”⁸ Accordingly, Carlin cannot provide what Ng lacks because Carlin also fails to teach or suggest the elements recited by the independent claims of the present application.

RFC 1043

⁶ Id., col. 5, lines 55-56.

⁷ Carlin, col. 3, lines 10-16.

⁸ Final Office Action, page 14.

RFC 1043 is a request for comment published by the Network Working Group, a team lead by Steve Crocker, implementing the host-to-host connectivity and switching layers of the protocol stack of the ARPANET,⁹ a network that later evolved into the Internet. RFC 1043 also fails to teach or suggest the above quoted elements of claim 27 that are missing from Ng and Carlin. Indeed, the Final Office Action states, RFC 1034... fail[s] to explicitly teach the publisher subsystem storing an object model representation of the central database system..."¹⁰ Accordingly, RFC 1043 cannot provide what Ng and Carlin lack because RFC 1043 also fails to teach or suggest the elements recited by the independent claims of the present application.

Fisher

Fisher relates a system and method for conducting multi-person interactive auctions in a variety of formats. The system allows a group of bidders to interactively place bids over a computer or communications network that are subsequently recorded by the system. When appropriate, the system closes the auction from further bidding and notifies the winning bidders and losers as to the auction outcome. Fisher also fails to teach or suggest the above quoted elements of claim 27 that are missing from Ng, Carlin and RFC 1034. Indeed, the Final Office Action states, Fisher ... fail[s] to explicitly teach the publisher subsystem storing an object model representation of the central database system..."¹¹ Accordingly, Fisher cannot provide what Ng, Carlin and RFC 1034 lack because Fisher also fails to teach or suggest the elements recited by the independent claims of the present application.

Claims 66 and 67

Claims 66 and 67 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Carlin, RFC 1034, Fisher, Ng and U.S. Patent 6,032,153, (hereinafter Sadiq).

Applicants respectfully submit that the rejection of claims 66 and 67 is defective for the reason that the Final Office Action fails to make a *prima facie* showing of obviousness as is required under 35 U.S.C. § 103.

⁹ Internet, <http://en.wikipedia.org/w/index.php?title=Internet&oldid=3590000> (2010).

¹⁰ Final Office Action, page 14.

¹¹ Final Office Action, page 14.

As mentioned above, neither Carlin nor RFC 1034 teach or suggest the quoted elements of the claims 27, 35 or 38.

Sadiq

Sadiq relates a system a method for maintaining persistence in a shared object system. Sadiq also fails to teach or suggest the above quoted elements of claim 27 that are missing from Ng, Carlin, RFC 1034 and Fisher. Accordingly, Sadiq cannot provide what Ng, Carlin and RFC 1034 and Fisher lack because Ng also fails to teach or suggest the elements recited by the independent claims of the present application.

Claims 66 and 67 depend on independent claim 27. If an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claims 66 and 67 under 35 U.S.C. § 103 is also addressed by the above remarks.

In summary, a person having ordinary skill in the art, having carefully considered Ng, Carlin, RFC 1040, and Fisher whether alone or in combination, would not conclude the limitations of the independent claims are obvious as is required to support a *prima facie* case of obviousness in rejecting of the independent claims of the present application under 35 U.S.C. § 103.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' representative at (408) 278-4046 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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By 

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